



Approved:

MATHEW ANDREWS/JONATHAN BODANSKY/MATTHEW R. SHAHABIAN  
Assistant United States Attorneys

Before: THE HONORABLE VALERIE FIGUEREDO  
United States Magistrate Judge  
Southern District of New York

**22 MAG 7738**

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UNITED STATES OF AMERICA :

**SEALED COMPLAINT**

- v. - :

Violation of 21 U.S.C.  
§§ 812, 841, and 846

KHAIM MAVLYANOV, :

Defendant. :

COUNTY OF OFFENSE:  
NEW YORK

- - - - - X  
SOUTHERN DISTRICT OF NEW YORK, ss.:

JOSEPH INFUSINO, being duly sworn, deposes and says that he is a Special Agent with the Federal Bureau of Investigation ("FBI"), and charges as follows:

**COUNT ONE**  
**(Narcotics Conspiracy)**

1. From at least in or about 2020 through at least in or about September 2022, in the Southern District of New York and elsewhere, KHAIM MAVLYANOV, the defendant, and others known and unknown, intentionally and knowingly did combine, conspire, confederate, and agree, together and with each other, to violate the narcotics laws of the United States.

2. It was a part and an object of the conspiracy that KHAIM MAVLYANOV, the defendant, and others known and unknown, would and did distribute and possess with intent to distribute a controlled substance, in violation of Title 21, United States Code, Section 841(a) (1).

3. The controlled substance that KHAIM MAVLYANOV, the defendant, conspired to distribute and possess with intent to distribute was 100 grams and more of mixtures and substances containing a detectable amount of a fentanyl analogue, in violation of Title 21, United States Code, Section 841(b) (1) (A).

(Title 21, United States Code, Section 846.)

**COUNT TWO**  
**(Narcotics Distribution)**

4. On or about June 15, 2022, in the Southern District of New York and elsewhere, KHAIM MAVLYANOV, the defendant, intentionally and knowingly distributed and possessed with the intent to distribute a controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

5. The controlled substance involved in the offense was 100 grams and more of mixtures and substances containing a detectable amount of a fentanyl analogue, in violation of Title 21, United States Code, Section 841(b)(1)(A).

(Title 21, United States Code, Sections 812, 841(a)(1), and  
841(b)(1)(A).)

The bases for my knowledge and for the foregoing charge are, in part, as follows:

6. I am a Special Agent with the FBI and I have been personally involved in the investigation of this matter. This affidavit is based upon my personal participation in the investigation, my conversations with other law enforcement officers and witnesses, and my review of reports and records. Because this affidavit is being submitted for the limited purpose of establishing probable cause, it does not include all the facts that I have learned during the course of my investigation. Where the actions, statements, and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

**Overview**

7. Based on my training and experience, my conversations with other law enforcement officers, and my review of publicly available information, I have learned the following, in substance and in part:

a. Fentanyl and its analogues are extremely potent and dangerous controlled substances. Narcotics traffickers commonly mix fentanyl and its analogues, due to their low cost and extremely high potency, with other controlled substances for sale, without disclosing to buyers the presence of fentanyl or its

analogues. Overdose deaths in New York City and elsewhere often involve fentanyl-laced narcotics.

b. Since at least 2021, the DEA has seen a significant increase in the prevalence of counterfeit prescription pills laced with fentanyl, a lethal synthetic opioid that has led to a dramatic increase in overdose deaths.<sup>1</sup> Indeed, in 2021 alone, the DEA seized more than 9.5 million counterfeit pills, more than the previous two years combined. DEA laboratory testing of those pills has revealed a dramatic rise in the number of counterfeit pills containing at least two milligrams of fentanyl, which is considered sufficient for a potentially deadly dose.

c. According to the Centers for Disease Control and Prevention ("CDC"), synthetic opioids (like fentanyl) are the primary driver of overdose deaths in the United States.<sup>2</sup> Indeed, overdose deaths involving opioids rose 38.1 percent from 2020 to 2021, and overdose deaths involving synthetic opioids (primarily illicitly manufactured fentanyl) rose 55.6 percent during that same period and appear to be the primary driver of the increase in total drug overdose deaths.

d. Counterfeit pills are often made to look almost identical to prescription opioid medications such as oxycodone.<sup>3</sup> For example, legitimate prescription oxycodone pills are often blue with an "M" on one side and the number "30" on the other side, or with an "A" on one side and the number "215" on the other.

e. Counterfeit oxycodone pills laced with fentanyl are often referred to by a number of street names,

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<sup>1</sup> See <https://www.dea.gov/press-releases/2021/09/27/dea-issues-public-safety-alert> (last visited on July 1, 2022); see also "Overdose Deaths Continue Rising, With Fentanyl and Meth Key Culprits," *New York Times*, May 11, 2022, <https://www.nytimes.com/2022/05/11/us/politics/overdose-deaths-fentanyl-meth.html> (last visited on July 12, 2022); "Fentanyl Tainted Pills Bought on Social Media Cause Youth Drug Deaths to Soar," *New York Times*, May 19, 2022, <https://www.nytimes.com/2022/05/19/health/pills-fentanyl-social-media.html> (last visited on July 12, 2022).

<sup>2</sup> See <https://www.dea.gov/resources/facts-about-fentanyl> (last visited on July 12, 2022).

<sup>3</sup> See <https://www.dea.gov/onepill> (last visited on July 12, 2022).

including "Buttons," "30s," "Blues," and "Greens." Given the ease with which these counterfeit pills can be transported and concealed, they are widely accessible and often sold on the street and over the internet.

8. Since at least approximately 2022, the FBI, Homeland Security Investigations ("HSI") and the New York City Police Department ("NYPD") have been investigating the dealing of fentanyl and fentanyl-laced counterfeit oxycodone pills in Queens.

9. As described in further detail below, from in or about April 2022 through in or about July 2022, law enforcement agents have conducted five controlled purchases of narcotics from KHAIM MAVLYANOV, the defendant. During those controlled purchases, MAVLYANOV supplied approximately 550 grams of powdered substances containing fentanyl and a fentanyl analogue, as well as approximately 150 counterfeit oxycodone pills laced with fentanyl and a fentanyl analogue. In addition, in or about August 2022, law enforcement determined that an individual who died from an apparent overdose was seen on surveillance entering and leaving MAVLYANOV's residence approximately three days prior.

#### **Controlled Purchases Prior to the Suspected Overdose Death**

10. Based on my participation in this investigation, my conversations with witnesses, my review of toll records and text messages, my conversations with other law enforcement officers, and my training and experience, I have learned, in substance and in part, the following:

a. Based on my conversations with a cooperating witness ("CW-1"), I have learned that CW-1 has purchased purported oxycodone pills, including pills laced with fentanyl, from KHAIM MAVLYANOV, the defendant, since in or about 2020.

b. In or about April 2022, a cooperating witness ("CW-1")<sup>4</sup>, working at the direction of law enforcement, purchased

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<sup>4</sup> CW-1 has been arrested and charged with state healthcare fraud-related offenses and is providing information to the Government in the hopes of receiving leniency at sentencing. The information provided by CW-1 has proven reliable, is corroborated by other evidence, and has led to seizures of narcotics in this investigation.

oxycodone pills laced with fentanyl from KHAIM MAVLYANOV, the defendant (the "April CW-1 Controlled Buy").

c. Prior to the April CW-1 Controlled Buy, MAVLYANOV contacted CW-1 using a cell phone ending in the number -6053 (the "-6053 Phone").<sup>5</sup> MAVLYANOV texted CW-1 a picture of zip lock bags each containing dozens of green pills stamped with "U23." The packaging of the pills in the picture is consistent with narcotics distribution. The pills appeared to be oxycodone pills. CW-1 agreed to purchase approximately 150 pills from MAVLYANOV at a price of \$25 per pill.

d. CW-1 met MAVLYANOV at an agreed-upon location in Queens, New York and exchanged money for two twist bags containing approximately 150 tablets (the "Tablets"). CW-1 wore an audio and video recording device during the April CW-1 Controlled Buy (the "CW-1 Video"). Based on my review of the CW-1 Video, a person I identified as MAVLYANOV based on comparing the CW-1 Video to a law enforcement photograph of MAVLYANOV approaches CW-1 and says, in sum and substance, "it's 150."

e. Pictures of some of the Tablets that CW-1 acquired from MAVLYANOV during the April CW-1 Controlled Buy appear below:



f. Based on my review of a report prepared by the NYPD Controlled Substance Analysis Section ("NYPD Lab"), I have learned that the appearance of the Tablets is consistent with legitimate oxycodone pills, but the Tablets contained fentanyl, para-fluorofentanyl, and methamphetamine. Based on my training and

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<sup>5</sup> On or about September 20, 2022, the -6053 Phone was obtained from MAVLYANOV by U.S. Customs and Border Patrol officers upon MAVLYANOV's return from a foreign country to the United States.

experience, I know that para-fluorofentanyl is an analogue of fentanyl.

11. Based on my conversations with CW-1, my review of an audio recording and text messages provided by CW-1, and my review of toll records, I have learned the following:

a. In or about June 2022, CW-1 purchased additional narcotics from KHAIM MAVLYANOV, through a coconspirator not named herein ("CC-1"). Specifically, CW-1 exchanged phone calls and text messages with CC-1 through a phone number ending in -6301 (the "-6301 Phone"). CC-1 told CW-1 that KHAIM MAVLYANOV, the defendant, had additional oxycodone pills MAVLYANOV could sell to CW-1 through CC-1.

b. CW-1, without first informing law enforcement, agreed to purchase the pills and met CC-1 in Queens, New York to exchange cash for pills. CW-1 used CW-1's phone to record the audio of CW-1's meeting with CC-1 to purchase the pills. Based on my review of the recorded conversation and my conversations with CW-1, I have learned that, during this meeting, CC-1 stated that MAVLYANOV agreed to give him crack cocaine in exchange for acting as an intermediary between CW-1 and MAVLYANOV.

c. Following this transaction with CC-1, CW-1 provided approximately 50 suspected oxycodone pills and the audio recording of CW-1's meeting with CC-1 to law enforcement.

d. Based on my review of toll records, I have learned that the -6301 Phone CW-1 identified as used by CC-1 was in contact with another phone used by MAVLYANOV (the "-0124 Phone")<sup>6</sup>, on the same day that CW-1 and the -6301 Phone exchanged messages. Specifically, that day, the -6301 Phone—used by CC-1—and the -0124 Phone—used by MAVLYANOV—exchanged approximately 39 text messages and 5 phone calls.

12. Based on my participation in this investigation, my participation in physical surveillance conducted in connection with this investigation, my review of audio and video recordings, my review of surveillance video, my review of materials available on law enforcement databases, my conversations with other law

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<sup>6</sup> As described further herein, a separate cooperating witness ("CW-2") identified the -0124 Phone as a phone used by MAVLYANOV.

enforcement officers, and my training and experience, I have learned, in substance and in part, the following:

a. On or about June 15, 2022, a cooperating witness working at the direction of law enforcement ("CW-2")<sup>7</sup> conducted a controlled purchase of fentanyl from KHAIM MAVLYANOV, the defendant (the "June 15 Controlled Buy").

b. Based on my conversations with other law enforcement officers, my review of screenshots of text messages between CW-2 and the -0124 Phone, which CW-2 identified as used by MAVLYANOV, I have learned CW-2 exchanged text messages and phone calls with MAVLYANOV to arrange the June 15 Controlled Buy. CW-2 agreed to purchase approximately 150 grams of fentanyl in exchange for \$10,500. CW-2 arranged to meet MAVLYANOV at a hotel (the "Hotel") in the Chinatown section of Manhattan to exchange the money for narcotics.

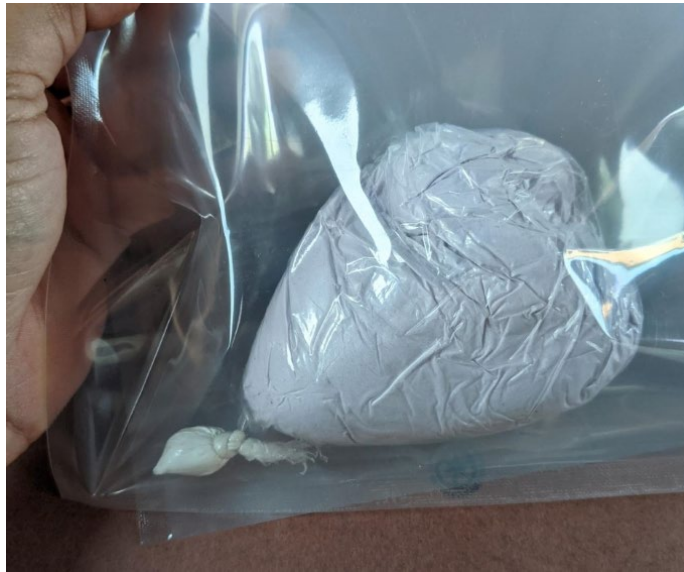
c. Prior to CW-2 arriving at the Hotel, law enforcement agents searched CW-2 to ensure CW-2 possessed no contraband. At approximately 3:00 p.m., after leaving the Hotel and returning to meet with law enforcement at a safe location, CW-2 provided to law enforcement two small plastic bags (the "Bags"), which contained a purpled and white-colored powdered substances

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<sup>7</sup> CW-2 has been arrested for a narcotics offense and is cooperating with the Government in the hopes of receiving leniency at sentencing. The information provided by CW-2 has proven reliable, is corroborated by other evidence, and has led to seizures of narcotics in this investigation. Since pleading guilty and while on supervised release, CW-2 has admitted to illegally purchasing and using fentanyl, acquiring clean urine to pass court-ordered drug testing, and lying about fentanyl use after testing positive for fentanyl.



(the "Substances"). A picture of the Substances in the Bags appears below:



d. CW-2 told law enforcement officers that CW-2 received the Bags from a man CW-2 recognized as MAVLYANOV on the street outside the Hotel. CW-2's description of this exchange is corroborated by surveillance video from a nearby business showing CW-1 interacting with an individual on the street outside the Hotel.

e. According to CW-2, during the exchange MAVLYANOV told CW-2, "grab this," referring to the Bags, and CW-2 gave the \$10,500 to MAVLYANOV. MAVLYANOV then told CW-2 they would talk later about "greens." Based on my training and experience, and my investigation in this case, I know that "greens" refers to milligram versions of oxycodone pills that are usually laced with fentanyl.

f. Based on my review of a report by the NYPD Lab, I have learned that the Substances weighed approximately 151 grams and contained fentanyl, para-fluorofentanyl, and tramadol.

13. Based on my participation in this investigation, my participation in physical surveillance conducted in connection with this investigation, my review of audio and video recordings, my review of materials available on law enforcement databases, my conversations with other law enforcement officers, my review of



NYPD Lab reports, and my training and experience, I have learned, in substance and in part, the following:

a. In addition to the June 15 Controlled Buy, CW-2, at the direction of law enforcement, arranged three other controlled purchases of fentanyl from KHAIM MAVLYANOV, the defendant: on or about April 14, May 3, and July 27, 2022 (the "April 14 Controlled Buy," the "May 3 Controlled Buy," and the "July 27 Controlled Buy," respectively).

b. Each of these three other controlled buys took place at an address that CW-2 identified as MAVLYANOV's residence in Queens, New York (the "MAVLYANOV Residence"). Based on my conversations with other law enforcement officers and my review of surveillance photos, I know that MAVLYANOV has been observed by law enforcement entering and leaving the MAVLYANOV Residence.

c. During the April 14 Controlled Buy, CW-2 received from MAVLYANOV a powdered substance that the NYPD Lab determined weighed approximately 100 grams and contained fentanyl and para-fluorofentanyl. During the May 3 Controlled Buy, CW-2 received from MAVLYANOV a powdered substance that the NYPD Lab determined weighed approximately 150 grams and contained fentanyl, para-fluorofentanyl, and tramadol. During the July 27 Controlled Buy, CW-2 received from MAVLYANOV a powdered substance that the NYPD Lab determined weighed approximately 150 grams and contained fentanyl and para-fluorofentanyl.

d. Law enforcement agents outfitted CW-2 with audio recording equipment for the April 14 Controlled Buy, and audio and video recording equipment for the May 3 Controlled Buy and July 27 Controlled Buy. During the July 27 Controlled Buy, CW-2's video recording equipment captured CW-2 interacting with a person wearing what appears to be a robe inside the MAVLYANOV Residence (the "July 27 Buy Video"). I identified that person as MAVLYANOV by comparing the July 27 Buy Video to a surveillance photograph of MAVLYANOV wearing a robe on the front porch of the MAVLYANOV Residence taken by law enforcement immediately after CW-2 entered the Residence for the July 27 Controlled Buy, as well as a law enforcement photo of MAVLYANOV.

### **The Suspected Overdose Death**

14. Based on my review of surveillance photographs of the MAVLYANOV Residence, I know that an individual ("Victim-1")

entered the MAVLYANOV Residence on or about August 18, 2022 and left shortly thereafter.

15. Based on my review of law enforcement reports and conversations with other law enforcement officers, I have learned that on or about August 21, 2022, approximately three days after leaving the MAVLYANOV Residence, Victim-1 was found dead in his apartment by Victim-1's mother. A clear zip lock bag containing white residue was found near Victim-1's body. After Victim-1's death, a witness close to Victim-1 ("Witness-1") told a law enforcement officer that, on or about August 18, 2022, Victim-1 had borrowed Witness-1's car to go purchase narcotics from KHAIM MAVLYANOV, the defendant, and that Witness-1 believed Victim-1 had acquired the lethal dose of drugs that killed Victim-1 from MAVLYANOV.

16. The toxicology report for Victim-1 is pending. Based on my training and experience, and my investigation in this case, I believe that Victim-1 died of an apparent overdose.

WHEREFORE the deponent respectfully requests that KHAIM MAVLYANOV, the defendant, be imprisoned or bailed, as the case may be.

Joseph Infusino (by Court with permission)

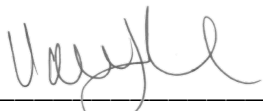
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JOSEPH INFUSINO

Special Agent

Federal Bureau of Investigation

Sworn to me through the transmission of this Complaint by reliable electronic means, this 22 day of September, 2022.



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THE HONORABLE VALERIE FIGUEREDO  
UNITED STATES MAGISTRATE JUDGE  
SOUTHERN DISTRICT OF NEW YORK